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**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION**

EPIC GAMES, INC.,

Plaintiff,

v.

APPLE INC.,

Defendant.

APPLE INC.,

Counterclaimant,

v.

EPIC GAMES, INC.,

Counter-defendant.

Case No. 4:20-cv-05640-YGR-TSH

**DECLARATION OF JUSTIN C. CLARKE
 IN SUPPORT OF EPIC GAMES, INC.'S
 MOTION TO APPOINT SPECIAL MASTER**

Hon. Yvonne Gonzalez Rogers

1 I, Justin C. Clarke, declare as follows:

2 1. I am a partner at the law firm of Cravath, Swaine & Moore LLP, and I am
3 one of the attorneys representing Epic Games, Inc. (“Epic”) in the above-captioned action (the
4 “Action”). I am admitted to appear before this Court *pro hac vice* in *Epic Games, Inc. v. Apple*
5 *Inc.*, Case No. 4:20-cv-05640-YGR. The contents of this declaration are based on my personal
6 knowledge. If called to be a witness, I could and would testify competently thereto.

7 2. I submit this declaration in support of Epic’s Motion to Appoint Special
8 Master in this Action (the “Motion”).

9 3. On March 23, 2021, the Court ordered Epic and Defendant and
10 Counterclaimant Apple Inc. (“Apple”) (together with Epic, the “Parties”) “to hire a retired
11 judicial officer to resolve their objections, to the extent that there are any” to the Parties’
12 respective deposition designations in this Action. (Dkt. 381.)

13 4. The Parties have met and conferred with respect to the selection of a
14 retired judicial officer and have agreed, subject to Court approval, to the retention of the
15 Honorable Elizabeth Laporte (Ret.).

16 5. Judge Laporte is a retired Magistrate Judge for the Northern District of
17 California who currently serves as a neutral at JAMS in San Francisco, CA.

18 6. The Parties have agreed to retain Judge Laporte and are in the process of
19 meeting and conferring with Judge Laporte to resolve their respective objections concerning
20 deposition designations.

21 7. Epic has met and conferred with Apple concerning the Motion. Apple has
22 stated that it will provide its position on the Motion to the Court in a separate filing.

23 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing
24 is true and correct and that I executed this declaration on April 12, 2021 in Brooklyn, New York.

25
26 /s/ Justin C. Clarke

Justin C. Clarke